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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. [redacted] 1981

No. [redacted]

CARL SHELL, *Petitioner*

v.

NORFOLK AND WESTERN RAILWAY COMPANY, a Corporation, *Respondent*

On Writ of Certiorari to the Circuit Court of Mercer County, West Virginia

BRIEF OF NORFOLK AND WESTERN RAILWAY COMPANY IN OPPOSITION TO MOTION OF BROTHERHOOD OF RAILROAD TRAINMEN TO FILE A BRIEF AS AMICUS CURIAE

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OCTOBER TERM, A. D. 1960

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Respondent, Norfolk and Western Railway Company, desires to oppose the Motion of the Brotherhood of Railroad Trainmen for leave to file a brief as amicus curiae herein, for the reason that the "collective bargaining contract" referred to in said Motion and Brief

is not a part of the record in this case, and, therefore, should not be considered by the Court in its decision of this case.

On page 1 of the Brief proposed to be filed by the Brotherhood of Railroad Trainmen, the following statement is made.

> "This case squarely presents the issue of the meaning and effect of the Brotherhood's collective bargaining contract which requires the respondent to reject an application for employment within 30 days".

Therefore, it appears that the only point sought to be argued by the Brotherhood is a provision of the "collective bargaining contract" which is not a part of the record in this case.

Respectfully submitted,

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